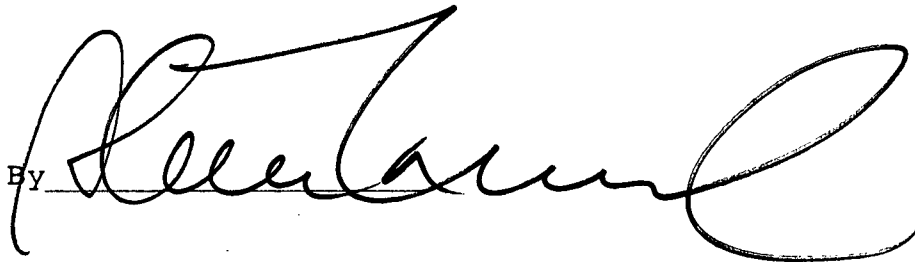


By 

21-B. No. 982

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of air conditioning contractors;  
providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. SHORT TITLE. This Act may be cited as the "Air  
Conditioning Contractor License Law."

SECTION 2. DEFINITIONS. In this Act:

(1) "Environmental air conditioning" means the process of  
treating indoor air to continuously control its temperature,  
humidity, cleanliness, and circulation to meet human comfort  
requirements.

(2) "Air conditioning contractor" means a person licensed  
under this Act who maintains a regular place of business at one or  
more locations in this state and who designs, installs, constructs,  
maintains, services, repairs, alters, or modifies any heating,  
ventilating, or air conditioning product, system, or equipment.

(3) "Air conditioning contracting" means the business of  
designing, installing, constructing, maintaining, servicing,  
repairing, altering, or modifying any heating, ventilating, or air  
conditioning product, system, or equipment. The term does not  
include the design, installation, construction, maintenance,  
service, repair, alteration, or modification of a portable or  
self-contained ductless air conditioning or heating product that  
has a cooling capacity of three tons or less, or a heating capacity

1 of 36,000 British thermal units or less.

2 (4) "Commissioner" means the commissioner of the Texas  
3 Department of Labor and Standards.

4 (5) "Person" means an individual.

5 SECTION 3. POWERS AND DUTIES OF COMMISSIONER. (a) The  
6 commissioner shall adopt rules for the practice of air conditioning  
7 contracting consistent with this Act not later than the 90th day  
8 after the effective date of this Act. The standards prescribed by  
9 rule must be at least as strict as the standards set forth in the  
10 Uniform Mechanical Code published jointly by the International  
11 Conference of Building Officials and the International Association  
12 of Plumbing and Mechanical Officials, as that code exists at the  
13 time the rules are adopted.

14 (b) The commissioner shall prescribe application forms for  
15 original and renewal licenses and the design of the licenses.

16 (c) The commissioner shall prescribe the method and content  
17 of examinations administered under this Act and shall set  
18 compliance requirements for the examinations.

19 (d) The commissioner shall set insurance requirements for  
20 persons licensed under this Act.

21 (e) The commissioner may employ the personnel necessary to  
22 implement this Act. The commissioner shall employ at least two  
23 full-time air conditioning professionals to serve as air  
24 conditioning examiners.

25 (f) The commissioner may authorize necessary disbursements  
26 to implement this Act, including office expenses, costs of  
27 equipment, and other necessary facilities.

1 (g) The commissioner shall set fees for original and renewal  
2 licenses issued under this Act. The commissioner shall set a fee  
3 for the licensing examinations. The fees shall be set in amounts  
4 that are reasonable and necessary to defray the costs of the  
5 administration of this Act.

6 (h) The commissioner shall maintain a record of his  
7 proceedings under this Act.

8 SECTION 4. AIR CONDITIONING CONTRACTOR LICENSE. (a) Air  
9 conditioning contractor licenses are of two classes. A Class A  
10 license entitles the licensee to install, repair, or alter summer  
11 or winter environmental air conditioning systems of any size or  
12 capacity. A Class B license entitles the licensee to install,  
13 repair, or alter an environmental air conditioning system that  
14 develops a total of not more than 25 tons cooling capacity and not  
15 more than 1,500,000 British thermal units per hour output heating  
16 capacity. The commissioner shall prescribe an appropriate  
17 examination for each class of license.

18 (b) An applicant for an air conditioning contractor license  
19 must be at least 18 years old and have at least three years of  
20 practical experience in air conditioning work. For purposes of the  
21 experience requirement, a degree or diploma in air conditioning  
22 engineering or mechanical engineering from an institution of higher  
23 education whose program is approved by the State Board of  
24 Registration for Professional Engineers for the purpose of  
25 licensing professional engineers is considered the equivalent of  
26 two years of practical experience.

27 (c) The application must be made on a form prescribed by the

1 commissioner and must specify the class of license the applicant  
2 seeks. The application must be verified and must be accompanied  
3 by:

4 (1) three recommendations from competent people in the  
5 regulated industry;

6 (2) evidence of the insurance coverage required under this  
7 Act;

8 (3) a statement of the applicant's practical experience; and

9 (4) the examination fee.

10 (d) The commissioner shall issue the air conditioning  
11 contractor license to an applicant who possesses the required  
12 qualifications, passes the appropriate licensing examination, and  
13 pays the examination fee and the original license fee required by  
14 this Act.

15 (e) A license issued under this Act expires three years  
16 after the date it was issued. To renew a license, the licensee  
17 must submit to the commissioner before the expiration date a  
18 renewal application, on a form prescribed by the commissioner,  
19 accompanied by the renewal fee. The commissioner shall notify the  
20 licensee of the expiration date of the license and the amount of  
21 the renewal fee. The notice shall be mailed not later than the  
22 30th day before the expiration date.

23 SECTION 5. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

24 (a) A violation of this Act or a rule adopted under this Act is a  
25 ground for the denial, suspension, or revocation of a license  
26 issued under this Act.

27 (b) Proceedings for the denial, suspension, or revocation of

1 a license and appeals from those proceedings are governed by the  
2 Administrative Procedure and Texas Register Act (Article 6252-13a,  
3 Vernon's Texas Civil Statutes).

4 SECTION 6. EXEMPTIONS. (a) This Act does not apply to a  
5 person who:

6 (1) performs air conditioning work in a building owned  
7 solely by him as his home;

8 (2) performs air conditioning maintenance work if the person  
9 is regularly employed as a maintenance man or maintenance engineer  
10 or is licensed as a professional engineer under The Texas  
11 Engineering Practice Act (Article 3271a, Vernon's Texas Civil  
12 Statutes), the work is performed in connection with the business in  
13 which the person is employed, and the person does not engage in the  
14 occupation of air conditioning contracting for the general public;  
15 or

16 (3) performs air conditioning contracting and is regularly  
17 employed by an electric or gas utility that is regulated under the  
18 Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil  
19 Statutes).

20 (b) The work described by Subsection (a) of this section  
21 remains subject to any permit, inspection, or approval requirements  
22 prescribed by a municipal ordinance.

23 (c) A person licensed under this Act may not perform, or  
24 offer or attempt to perform, any act, service, or function that is  
25 defined as the practice of engineering by The Texas Engineering  
26 Practice Act (Article 3271a, Vernon's Texas Civil Statutes). This  
27 Act does not apply to a person licensed in this state as a

1 professional engineer and engaged in business as a professional  
2 engineer.

3 SECTION 7. REPORTING REQUIREMENT. Each person licensed  
4 under this Act shall notify the municipal authority who has control  
5 of the enforcement of regulations relative to air conditioning  
6 contracting in the municipality in which the person is engaged in  
7 air conditioning contracting that the person has obtained a state  
8 license. The notification must contain the name and address of the  
9 licensee.

10 SECTION 8. PENALTY. Except as provided by Section 9(b) of  
11 this Act, a person commits an offense if the person knowingly or  
12 intentionally engages in the business of air conditioning  
13 contracting without a license issued under this Act. An offense  
14 under this section is a Class C misdemeanor.

15 SECTION 9. MUNICIPAL REGULATION; TRANSITION. (a) A license  
16 issued under this Act is valid throughout the state, and the holder  
17 is not required to hold a municipal license to practice in a  
18 municipality. A license issued by a municipality of this state is  
19 valid under the terms of the license within that municipality.

20 (b) Not later than January 1, 1986, a person who holds a  
21 municipal license must obtain an appropriate state license under  
22 this Act to continue in the business of air conditioning  
23 contracting. From January 1, 1984, through December 31, 1985, a  
24 person who holds a municipal license but does not hold a license  
25 issued under this Act may continue in the business of air  
26 conditioning contracting within the municipality if the person  
27 complies with the municipal licensing requirements, including

1 requirements for the renewal of the license.

2 SECTION 10. EFFECTIVE DATE FOR LICENSE REQUIREMENT. A  
3 person is not required to be licensed under this Act to engage in  
4 the business of air conditioning contracting until January 1, 1984.

5 SECTION 11. EFFECTIVE DATE. This Act takes effect September  
6 1, 1983.

7 SECTION 12. EMERGENCY. The importance of this legislation  
8 and the crowded condition of the calendars in both houses create an  
9 emergency and an imperative public necessity that the  
10 constitutional rule requiring bills to be read on three several  
11 days in each house be suspended, and this rule is hereby suspended.

**H. B. No.**

By

**A BILL TO BE ENTITLED**

**AN ACT**

relating to the regulation of air conditioning contractors;  
providing a penalty.

**FEB 24 1983**

**1. Filed with the Chief Clerk.**

**MAR 8 1983**

**2. Read first time and Referred to Committee on**

## Business : Commerce

3. Reported favorably (as amended) and sent to Printer at \_\_\_\_\_  
(as substituted)

4. Printed and distributed at \_\_\_\_\_

5. Sent to Committee on Calendars at \_\_\_\_\_

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

**10. Caption ordered amended to conform to body of bill.**

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

12. Ordered Engrossed at \_\_\_\_\_

**13. Engrossed.**

14. Returned to Chief Clerk at \_\_\_\_\_

**15. Sent to Senate.**

**Chief Clerk of the House**

### 16. Received from the House

17. Read, referred to Committee on \_\_\_\_\_

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by \_\_\_\_\_  
(a viva voce vote.)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)



\_\_\_\_\_ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 24. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 25. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 26. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION:

OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 27. Returned to the House.

\_\_\_\_\_ 28. Received from the Senate (with amendments.)  
(as substituted.)

\_\_\_\_\_ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) (Substitute) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 30. Conference Committee Ordered.

\_\_\_\_\_ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 32. Ordered Enrolled at \_\_\_\_\_